

22 CS (COMM.) 867/25

M/S V S F Realtors Pvt. Ltd. Vs. M/S Foodaholic Factory Pvt. Ltd. And Anr.

13.03.2026 (At 12:15PM)

Present : Sh. Amresh Singh, Ld. Counsel for the plaintiff.

Sh. Praveen Suri, Ld. Counsel for the defendant.

One written statement along with an application under Order V Rule 1 CPC; list of documents; affidavit of admission/denial; Statement of Truth and affidavit under Section 63 BSA was filed on 06.02.2026. Advance copy was already sent to other party. Another application under Order 1 Rule 10 CPC was filed on behalf of defendant no.2 on same date with advance copy to the plaintiff. Application under Order VI rule 15 A of the Commercial Courts Act 2015 also filed on behalf of defendant no.1.

I have heard submissions of both the parties on application under Order V Rule 1 CPC and another application of defendant which titled under Order VI Rule 15 A Commercial Courts Act and the 3rd application as moved by plaintiff in past under Order XV A CPC. Reply to application under Order XVA CPC was also filed on behalf of defendant.

Put up for orders on all these three applications at 4.00pm.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.

13.03.2026

13.03.2026 (At 4:05PM)

Present : None.

Vide separate orders announced in the open court the three applications are decided as under:

i) Application under Order VI Rule 15 A CPC is dismissed and plaintiff is directed to file fresh affidavit in accordance with provision/format remedy provided under law with advance copy to the opposite party.

ii) Application under Order XV-A CPC is allowed. Defendant no. 1 is therefore, directed to deposit a sum of Rs.21,15,475/-, representing arrears of rent for the period from March 2025 to October 2025, calculated at Rs.2,62,792/- per month for the period from March 2025 to September 2025 and Rs.2,75,931/- for the month of October 2025, (inclusive of GST). The rent/use/occupation charges with effect from November 2025 at the rate of Rs.2,75,931/-(inclusive of GST) up to March 2026, shall also be paid by defendant no.1. Out of the aforesaid amount, 50% of the arrears shall be deposited on or before the next date of hearing, and the remaining 50% shall be deposited within one month from next date. Defendant no.1 is further directed to deposit the future rent/occupation charges per month @Rs.2,75,931/-, by way of online payment or by any other permissible mode, during the pendency of the present suit, up to 7th day of every subsequent English month, w.e.f. April 2026 onwards.

iii) Application under Order V Rule 1 CPC is allowed and defendants are given opportunity to file rectified pleadings

with all requisite affidavits (without changing contents of the written statement) strictly in accordance with provisions of Commercial Courts Act and without any modifications/alterations made in hand up to 23.03.2026, subject to cost of Rs.25,000/- to be paid to the plaintiff maximum by next date of hearing. Advance copy of the rectified pleadings and affidavits must be supplied to the plaintiff. Plaintiff shall file affidavit of admission/denial in respect of documents filed by the defendants and may file replication to the written statement up to next date, with advance copy to the opposite party.

Now to come up for arguments on application under Order 1 Rule 10 CPC on 24.04.2026.

Pulastya Pramachala
District Judge (Commercial Court)-01
Patiala House Court, New Delhi.
13.03.2026